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MAY 03 2005

FAX TRANSMISSION COVER SHEET

Date: May 3, 2005
To: Amendment
United States Patent & Trademark Office
Fax: (703) 872-9306
Phone:
From: R. Burns Israelsen
Re: Serial No. 10/769,361
Filing Date: 01/30/2004
Docket No.: 13646.8.1.3

YOU SHOULD RECEIVE 7 PAGE(S), INCLUDING THIS COVER SHEET. IF
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Comments:

Please see attached.

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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. 13646.8.1.3
Applicant(s): Ricky B. Steck, et al.		
Application No. 10/769,361	Filing Date 01/30/2004	Examiner Willis Ray Wolfe, Jr.
Group Art Unit 3747		
Invention: FIBER OPTIC SYSTEM FOR DETECTING PUMP CYCLES		
<p>I hereby certify that this <u>Response to Office Action</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 872-9306</u> on <u>May 3, 2005</u> (Date)</p> <p><i>Beth L. Haslam</i> (Signature)</p>		
<p>Note: Each paper must have its own certificate of mailing.</p>		

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
13646.8.1.3

In Re Application Of: **Ricky B. Steck, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/769,361	01/30/2004	Willis Ray Wolfe, Jr.	022913	3747	7919

Title: FIBER OPTIC SYSTEM FOR DETECTING PUMP CYCLES

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

- Response to Office Action (2 pgs)
- Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (1 pg)
- PTO-2038 Credit Card Form in the amount of \$130.00 (1 pg)

in the above identified application.

- No additional fee is required.
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R. Burns Israelsen
Signature

Dated: May 3, 2005

R. BURNS ISRAELSEN
Attorney for Applicant
Registration No. 42,685

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____

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PATENT APPLICATION
Docket No. 13646.8.1.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Ricky B. Steck, et al.)
Serial No.: 10/769,361) Art Unit
Filed: January 30, 2004) 3747
Conf. No.: 7919)
For: FIBER OPTIC SYSTEM FOR DETECTING)
PUMP CYCLES)
Examiner: Willis Ray Wolfe, Jr.)
Customer No.: 022913)

RESPONSE TO OFFICE ACTION

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Office Action of April 19, 2005 withdrew a previous notice of allowance and rejected claim 1. Claims 2-14 were objected to as being dependent on a rejected base claim, and claims 15-21 remained allowed.

Claim 1 was rejected under the judicially created doctrine of double patenting over claims 1 and 2 of U.S. Patent No. 6,695,593 (the "593 patent"). In response to this double patenting rejection, Applicants submit herewith a terminal disclaimer. This terminal disclaimer

Application No. 10/769,361
Response to Office Action dated May 3, 2005
Reply to Office Action mailed 04/19/2005

is appropriate because both the present application and the '593 patent are commonly owned as shown by an assignment recorded at Rec 013276 and Frame 0124.

The terminal disclaimer overcomes the double patenting rejection of claim 1. Applicants submit that claims 2-14 are now allowable because the rejection of claim 1 has been overcome. Thus, allowance of the claims is respectfully requested. Applicants note that none of the claims have been amended by this paper.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 3 day of May, 2005.

Respectfully submitted,



R. BURNS ISRAELSEN
Registration No. 42,685
Attorney for Applicant
Customer No. 022913

RBI:blh
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